

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Jay Koester,

Court File No.

Plaintiff,

v.

NOTICE OF REMOVAL

Jonathan Ortiz and Robin Ragusa
dba Travelers,

Defendants.

Defendants The Travelers Home and Marine Insurance Company (“Travelers”), Jonathan Ortiz, and Robin Ragusa (collectively, “Defendants”),¹ through their counsel and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, submit this Notice of Removal of the above-captioned action from the District Court for the Second Judicial District (Ramsey County), State of Minnesota, to the United States District Court for the District of Minnesota. In support of their Notice of Removal, Defendants state the following:

1. On February 8, 2024, the summonses and complaint were served on Travelers’ registered agent CSC, in an action entitled *Jay Koester, Plaintiff v. Jonathan Ortiz and Robin Ragusa dba Travelers, Defendant* (Second Judicial District, Ramsey County, State of Minnesota). Defendants Jonathan Ortiz and Robin Ragusa have not been

¹ The case caption names the Defendants as “Jonathan Ortiz and Robin Ragusa dba Travelers.” Jonathan Ortiz and Robin Ragusa are employees of Travelers, and the complaint incorrectly uses “dba” to describe their connection to Travelers. Additionally, the case caption lists the Defendant as simply “Travelers,” but The Travelers Home and Marine Insurance Company is the proper defendant, because that is the company that issued the insurance policy referenced in Plaintiff’s complaint.

personally served. A true and correct copy of the summonses and complaint is attached as Exhibit A.

2. This Notice of Removal is being filed less than 30 days after Travelers received a copy of the summons and complaint and is therefore timely under 28 U.S.C. § 1446(b).

3. This Court has original jurisdiction over this action under the provisions of 28 U.S.C. § 1332(a). The action may be removed to this Court pursuant to the provisions of 28 U.S.C. §§ 1441 and 1446 in that the citizenship of Plaintiff is diverse from that of Defendants and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

4. Diversity of Citizenship:

a. *Plaintiff is a citizen of Minnesota.* In his Complaint, Plaintiff Jay Koester alleges that he is an individual resident of the State of Minnesota in the City of Rockford, Wright County.

b. *Jonathan Ortiz and Robin Ragusa are citizens of Illinois.* Jonathan Ortiz and Robin Ragusa are individual residents of the State of Illinois.

c. *Travelers is a citizen of Connecticut.* Travelers is a Connecticut corporation and has its principal place of business in Hartford, Connecticut. Therefore, it is a citizen of Connecticut for purposes of diversity of citizenship. *See* 28 U.S.C. § 1332(c)(1).

d. Complete diversity of citizenship exists, as required by 28 U.S.C. § 1332(a)(1).

5. Jurisdictional Amount: The complaint does not state the amount of money sought, but it seeks an amount in excess of \$50,000. Plaintiff asserts claims for adverse claims, declaratory judgment, defamation, and intentional infliction of emotional distress. The complaint alleges that Plaintiff is entitled to payments on his claim of personal property under his Travelers insurance policy. The complaint also seeks damages for (1) the cost to repair Plaintiff's personal property; (2) damages based on Defendants' alleged "inability and unwillingness to work with" Plaintiff during his claim handling; and (3) return of his \$1,000 deductible. Given the damages asserted, it is likely that the amount in controversy exceeds \$75,000, exclusive of interest and costs, as required by 28 U.S.C. §§ 1332(a), 1446(c)(2).

6. Pursuant to 28 U.S.C. § 1441(a), removal to the United States District Court, District of Minnesota is proper because the District embraces Ramsey County, where the action is pending.

7. Exhibits B through H consist of the additional documents Plaintiff has filed in this matter in addition to the summonses and complaint. Along with Exhibit A, these documents comprise the only process, pleadings, and other orders that have been served in this action.

8. Pursuant to 28 U.S.C. § 1446(d), written notice of this case together with a copy of this Notice of Removal shall be filed with the Ramsey County District Court and shall be concurrently served upon Plaintiff.

9. By filing this Notice of Removal, Defendants do not waive any of their rights and defenses under the applicable policy of insurance or applicable law.

10. Defendants reserve the right to amend or supplement this Notice of Removal.

WHEREFORE, Defendants respectfully request that this action be removed from the Ramsey County District Court to the United States District Court, District of Minnesota, and requests that this Court assume full jurisdiction over the case herein as provided by law.

Dated: February 29, 2024

By: s/Leatha G. Wolter

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